



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/807,125 Confirmation No. : 4260
Applicant : Jorg BAUMGART, et al.
Filed : October 10, 2001
TC/A.U. : 2851
Examiner : Andrew Sever
Docket No. : 225/49845
Customer No. : 23911
Title : Measurement of Small, Periodic Undulations in Surfaces

RESPONSE TO FINAL OFFICE ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 8, 2004

Sir:

The following Remarks are submitted in response to the final Office Action mailed March 31, 2004 regarding the above-identified U.S. patent application.

Applicants acknowledge that the Notice of Allowance mailed September 23, 2003 has been vacated, and that prosecution of Claims 14-19 on the merits has been reopened. Applicants note in this regard, that the Issue Fee for this application was paid on November 6, 2003. Accordingly, upon receipt of a new Notice of Allowance, they will request that the amount previously paid be applied to the fee due in connection with the new Notice of Allowance.

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Claims 14-19 have been rejected under 35 U.S.C. §102(b) as anticipated by Yamatake et al (Japanese patent document 3-295408). However, for the reasons set forth hereinafter, Applicants respectfully submit that Claims 14-19 distinguish over Yamatake et al and remain allowable, as previously indicated.